

**TOWN OF BIG FLATS
PLANNING BOARD
MEETING MINUTES**

*Filed with
Town Clerk
2/8/2010*

FEBRUARY 2, 2010

TOWN HALL
MEETING ROOM
6:30PM

MEMBERS PRESENT: Lance Muir, Angela Piersimoni, Bob Byland, Dave Seely, Carl Masler, Scott Esty

MEMBERS ABSENT: Jim Ormiston

STAFF: Stephen Polzella, Director of Planning, Tom Dobrydney, Planner, Brenda Belmonte, Secretary

GUESTS: Jamie Gensel, Don Gaylord, Brad Kapral, Alberta Howard, Guerry Howard, Dave Kinney, Robert Butcher, Tina Lando, Mike Smith, John Hunter

Chair Muir opened the meeting at 6:30pm noting member Jim Ormiston was absent.

MINUTES

January 5, 2010

Motion by Byland, seconded by Esty to approve the minutes of January 5, 2010, Discussion, None, Motion Carries 6-0.

HOWARD RIDGLINE OVERLAY
TAX PARCEL 68.00-1-13.5

PUBLIC HEARING

Chair Muir opened the public hearing at 6:32pm, noting it had been duly published in the Star Gazette.

Speaking for: None

Speaking against: None

Discussion:

Documents pertaining to the required archeological study were sent to SHPPO in late December. Although there has been no formal response, staff is keeping in contact in an effort to move things along.

Public Hearing closed at 6:33pm.

RESOLUTION P-2010-2
Howard RLO and WECS
Tax Parcel 68.00-1-13.5
Townsend Way

Resolution by: Esty
Seconded by: Piersimoni

WHEREAS, this Board has received an application for RLO permit review and Site Plan review on December 18, 2009; and

WHEREAS, this Board, as per Town of Big Flats Zoning Law 17.32.090, has determined the preliminary plat to be complete; and

WHEREAS, this Board hereby authorizes the Director of Planning to schedule a Public Hearing on Preliminary Plan for February 2, 2010 at the request of the applicant; and

WHEREAS, the proposed action is an Unlisted action pursuant to SEQR 6 NYCRR Part 617; and

WHEREAS, the Planning Board has considered the Short Environmental Assessment Form and other materials submitted by the applicant in support of the proposed action, has considered the comments of its staff report, December 29, 2009, made via written memoranda to the Planning Board (which memoranda are incorporated herein by reference) and verbal commentary during the Planning Board's meetings pertaining to the review and evaluation of the proposed action;

NOW THEREFORE BE IT RESOLVED, that the Planning Board of the Town of Big Flats hereby declare themselves as lead agency for an uncoordinated review, and

FURTHER RESOLVED, to waive any requirements of a licensed architect referenced in 17.24 due to the Board determination that the project will not create a significant visual impact.

CARRIED: **AYES:** Piersimoni, Muir, Byland, Masler, Ormiston, Esty, Seely
 NAYS: None

Dated: Tuesday, January 5, 2010
BIG FLATS, NEW YORK

By order of the Planning Board of the Town of Big Flats
Lance Muir
Chairman, Planning Board

RESOLUTION P-2010-3
Howard RLO and WECS
Tax Parcel 68.00-1-13.5
Townsend Way

Resolution by: Byland
Seconded by: Esty

WHEREAS, this Board has received an application for RLO permit review and Site Plan review on December 18, 2009; and

WHEREAS, this Board, as per Town of Big Flats Zoning Law 17.32.090, has determined the preliminary plat to be complete; and

WHEREAS, this Board held a Public Hearing on Preliminary Plan on February 2, 2010 at the request of the applicant; and

WHEREAS, the applicant has submitted new information reviewed and accepted by this Board as part of the application including a landscaping plan and proposed light fixtures; and

WHEREAS, the proposed action is an Unlisted action pursuant to SEQR 6 NYCRR Part 617; and

WHEREAS, the Planning Board has considered the Short Environmental Assessment Form and other materials submitted by the applicant in support of the proposed action, has considered the comments of its staff report, January 26, 2010, made via written memoranda to the Planning Board (which memoranda are incorporated herein by reference) and verbal commentary during the Planning Board's meetings pertaining to the review and evaluation of the proposed action;

NOW THEREFORE BE IT RESOLVED, to table any action on the preliminary plan pending comments from NYSHPO.

CARRIED: AYES: Esty, Byland, Piersimoni, Muir, Masler, Seely
NAYS:

Dated: Tuesday, February 2, 2010
BIG FLATS, NEW YORK
By order of the Planning Board of the Town of Big Flats

Lance Muir
Chairman, Planning Board

KAHLER ROAD APARTMENTS
CONCEPT PLAN
TAX PARCEL 67.03-1-8.1

Jamie Gensel of Fagan Engineers stated that the applicant plans to build six duplexes and one single-family home as rental properties with a private road leading into the site. The plan includes extending water to the area installing one septic system for the entire site. Further discussion will be held with the health department. Stormwater will most likely be addressed in the form of individual rain gardens. State law requires underground utilities.

When asked if there were any plans to dedicate the road to the town, Kapral stated he intends to keep the road private. Kapral would also like it to remain as one parcel, however, town regulations will determine if a subdivision is required.

Polzella explained that staff is currently viewing this as a subdivision. He noted two comments (not requirements) from the town's perspective:

1. A request to utilize a 12-inch water line.
2. The possibility for a turn-around near the bridge for a snowplow.

LANDO AREA VARIANCE REFERRAL
TAX PARCEL 58.03-1-4

RESOLUTION P-2010-4
Lando Variance Referral
Tax Parcel # 58.03-1-4
1073 CR 64

Resolution by: Seely
Seconded by: Byland

WHEREAS, the Town of Big Flats Zoning Board of Appeals Rules of Procedures states all applications for variances shall be immediately referred to the Town of Big Flats Planning Board; and

WHEREAS, the Town of Big Flats Planning Board met and held discussion on the matter of a "Minimum Lot Width" variance on February 2, 2010; and

WHEREAS, the applicant has indicated the proposed use to be an “Office, General Business” for the purpose of real estate sales; and

WHEREAS, the applicant has indicated a project scale not to exceed 5 cars per day; and

WHEREAS, the proposed action is an Unlisted action pursuant to SEQR 6 NYCRR Part 617; and

WHEREAS, the Planning Board made and found a negative declaration of significant environmental impact; and

NOW, THEREFORE BE IT RESOLVED, to send this variance request to the Town of Big Flats Zoning Board of Appeals for their determination with a recommendation for conditional approval based upon the applicants’ intended use of “Office, General Business” and its proposed scale; and

FURTHER RESOLVED, to include a condition that if the use exceeds the proposed scale, 5 cars per day, any approvals may be null and void, pending further review.

CARRIED: **AYES:** Esty, Byland, Masler, Seely, Muir
NAYS: Piersimoni

Dated: Tuesday, February 2, 2010
BIG FLATS, NEW YORK

By order of the Planning Board of the Town of Big Flats
Lance Muir
Chairman, Planning Board

Polzella noted the proposed use is office / general business for the purpose of real estate sales with an estimated scale of five to ten cars per day. Staff has received positive feedback from Andy Avery as well as from a consulting engineer. Currently this does not warrant a traffic study. If it became an issue in the future a study would be required. Staff recommends a referral to the ZBA for approval of office / general business.

Esty questioned the number of occupants, saying he has not seen a real estate office with less than approximately 12 people.

Lando explained that she would be the only one in the office at this time – in the future it may expand by 1 or 2 people. Agents now typically work from their homes. This location would be Lando’s office as well as visibility for marketing. No meetings would be held there.

ZONING AMENDMENT
POLICY RECOMMENDATION

RESOLUTION P-2010-5

Recommendation of Zoning Amendment Policy

Resolution by: Byland

Seconded by: Seely

WHEREAS, the Town of Big Flats Town Board recently adopted a comprehensive zoning amendment; and

WHEREAS, as of December 17, 2009 local law #6 of 2009 is in effect; and

WHEREAS, the Planning Board recognizes the Town of Big Flats Zoning Law as a living document; and

WHEREAS, the Planning Board recognizes the necessity of orderly and timely amendments; and

NOW, THEREFORE BE IT RESOLVED, to recommend the Town of Big Flats Town Board adopt, by resolution, a policy to review zoning amendment requests and the Town of Big Flats Zoning Law on a regular six-month cycle; and

FURTHER RESOLVED, the Planning Board requests the opportunity to review the final policy prior to its adoption by the Town Board.

CARRIED: AYES: Esty, Byland, Muir, Piersimoni, Masler, Seely

NAYS:

Dated: Tuesday, February 2, 2010

BIG FLATS, NEW YORK

By order of the Planning Board of the Town of Big Flats

Lance Muir

Chairman, Planning Board

Staff feels the need to establish a policy at the town board level to address future zoning amendment requests. The staff proposal entails a six-month review cycle. This would allow a timely way to handle such requests and would provide a cycle to look at the zoning twice a year.

DANDY MINI MART
APPLICATION WITHDRAWAL

RESOLUTION P-2010-6
Dandy Site Plan Withdrawn
Tax Parcel 76.00-2-10.112

Resolution by: Masler
Seconded by: Piersimoni

WHEREAS, the Town of Big Flats Planning Board received an application for site plan approval on September 30, 2008; and

WHEREAS, Town of Big Flats Planning Board table an application for site plan approval on November 4, 2008; and

WHEREAS, pursuant to 17.32.140 of the BFZL, the Planning Board may require the re-submittal of a concept plan for a proposed development if more than six months has lapsed since the date of giving the planning boards written comments on the concept plan for the proposed development pursuant to subsection 17.32.070(B) of the BFZL; and

NOW THEREFORE BE IT RESOLVED, the Town of Big Flats Planning Board hereby considers the application submitted on September 30, 2008 to be withdrawn; and

FURTHER RESOLVED, to authorize the Director of Planning to notify the applicant.

CARRIED: AYES: Esty, Masler, Piersimoni, Muir, Seely, Byland
NAYS:

Dated: Tuesday, February 2, 2010
BIG FLATS, NEW YORK

By order of the Planning Board of the Town of Big Flats
Lance Muir
Chairman, Planning Board

MEMBERS COMMENTS

Polzella reviewed ongoing projects.

Motion by Esty, seconded by Piersimoni, to adjourn at 7:35pm, Discussion, None, Motion Carries 6-0.

Meeting adjourned at 7:36pm

